

## **REMARKS**

In response to the Notice of Allowance allowing all pending claims in this Application, Applicant timely submits Form PTOL-85, Large-Entity Issue Fee, and Publication Fee. Applicant pays these fees to ensure compliance with relevant statutory provisions.

Applicant confirms the Examiner's cancellation of Claims 100-114. Applicant pursues these claims in co-pending Application Number 13/352,934, filed 19 January 2012.

As for any of the Examiner's comments for allowing claims in the Notice of Allowance or doing prosecution of this Application, Applicant acknowledges the Examiner's comments. Applicant does not concede or admit, however, that the Examiner's comments are accurate or apply to all of the allowed claims, or that the stated reasons are the only reasons for allowance. *See Salazar v. Procter & Gamble Co.*, 414 F.3d 1342 (Fed. Cir. 2005). Applicant also reserves the right to file continuations and/or divisionals to seek additional and/or broader claims.

### **I. Request to Review IDS References Made of Record & Interview Summary**

Upon review of the Notice of Allowance, Applicant noted the Examiner's "legible copies" comment concerning some of the items cited in filed Information Disclosure Statements (IDS). Applicant reviewed the IDS filings and contacted the USPTO's Electronic Business Center (EBC) to ensure Applicant did file the items the Examiner could not locate. The undersigned's investigation into the IDS submissions resulted in the following findings.

#### **A. EBC Contact Confirms 7 November 2011 IDS Submission is in the USPTO's Electronic Records**

The undersigned contacted the USPTO's Electronic Business Center (EBC) on 5 January 2012. An EBC representative confirmed that the IDS submission filed on 7 November 2011 is in the USPTO's electronic records, and that this IDS submission contains:

- (a) IDS Form Submission (9 pages);
- (b) five Foreign Reference files with the following page numbers: (i) 312 pages; (ii) 375 pages; (iii) 300 pages; (iv) 181 pages; and (v) 221 pages; and
- (c) five NPL files with the following pages number: (i) 9 pages; (ii) 5 pages; (iii) 8 pages; (iv) 5 pages; and (v) 184 pages.

As a result, based on the EBC representative's confirmation, the undersigned believes that the Examiner should be able to review "legible copies" all of the above-mentioned items.

**B. Bundled IDS References in 7 November 2011 IDS Submission**

As discussed with the Examiner on 4 January 2012, when filing IDS submissions, we sometimes bundle individual IDS citations into an aggregate PDF file to streamline filing IDS submissions due to EFS-Web system constraints. Thus, a single “Foreign Reference” PDF file of 100 pages may actually contain 10 IDS citations. We did this bundling effort with the 7 November 2011 IDS Submission. Here, the individual “Foreign Reference” PDF files appearing in the USPTO’s online record each contain multiple references.

In reviewing the 12 December 2011 Notice of Allowance, the Examiner lined through a number of IDS citations because the Examiner felt we had not submitted copies of certain foreign patent documents. The lined-through items include Citation numbers 52-62, 64-66, 68-78, and 80-82. We re-reviewed the filed, bundled “Foreign Reference” PDF files and believe that we submitted copies of these items for review in our 7 November 2011 IDS Submission.

To aid the Examiner in reviewing the bundled “Foreign Reference” files, below is a roadmap of citations to help review the bundled “Foreign Reference” files. The roadmap maps individual IDS citations by citation number to a bundled PDF file by page number.

- Citation Numbers 52-62 are contained in the Foreign Reference PDF file with 312 pages.
- Citation Numbers 64-66 are contained in the Foreign Reference PDF file with 375 pages.
- Citation Numbers 68-72 and 78 are contained in the Foreign Reference PDF file with 300 pages.
- Citation Numbers 74-75 and 80-82 are contained in the Foreign Reference PDF file with 181 pages.
- Citation Numbers 73, 76-77, and 79 are contained in the Foreign Reference PDF file with 221 pages.

**C. Citation 52 in 31 August 2011 IDS Submission**

In the 12 December 2012 Notice of Allowance, the Examiner stated that Citation 52 was not submitted with our 31 August 2011 IDS Submission. Upon review of the 31 August 2011 IDS items, we agree that it appears we did not provide Citation 52. We apologize for this oversight and inadvertent error. Pursuant to discussions between the Examiner and the undersigned on 21 February 2012, Applicant provides an English-language translation (provided by CN counsel) of this particular citation as Exhibit A to this paper. Applicant appreciates the Examiner allowing Applicant the ability to provide this item at this stage in prosecution.

**D. 12 December 2011 Notice of Allowance IDS Reviewed Papers**

When reviewing the 12 December 2011 Notice of Allowance, it appears that we only received the Examiner's initialed-review pages for the 7 November 2011 IDS Submission but not the 31 August 2011 Submission. Thus, it appears the record does not clearly reflect that the Examiner reviewed the 31 August 2011 IDS submission. Applicant, thus, respectfully requests the Examiner to double check the Examiner's files and update as appropriate.

**II. Fees**

Applicant files this Response within three months of the Notice of Allowance and submits the due issue and publication fees via EFS-Web. The Commissioner is also authorized to charge any fees deemed due to Deposit Account 17-0026 for full acceptance of this submission, to keep this application pending, and so that a patent may issue in due course.

**III. Conclusion**

This Response is believed to be a complete response to the Notice of Allowance. If the Examiner believes that any issues associated with the Application can be resolved over the phone or by Examiner's amendment, a telephone call to Hunter Yancey at 858-845-7534 is respectfully requested.

Respectfully submitted,

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